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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/064,944	08/30/2002	Dante Monteverde	33983/400100	3631

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EXAMINER

NGUYEN, CINDY

ART UNIT	PAPER NUMBER
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2161

DATE MAILED: 06/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/064,944

Applicant(s)

MONTEVERDE, DANTE

Examiner

Cindy Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 3-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 October 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

This is in response to amendments filed 04/07/05.

#### ***Response to Arguments***

Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim1, 3-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klein et al. (US 6740729) (Klein) in view of Bailey et al. (US 6785671) (Bailey).

Regarding claims 1 and 14-16, Klein discloses: method of predicting the search needs of a computerized database search user comprising the steps of: providing a topical category database (page 6, paragraph 0066, Klein), said topical category database containing a plurality of topical categories (404, fig. 4, Klein);

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relating each of said topical categories with other said topical categories contained within said topical category database (fig. 1B and col. 3, lines 45-60, Klein);

providing a document database, said document database having document information for at least one document (col. 8, lines 34-55, Klein);

assigning each of said documents to at least one said topical category (col. 8, lines 9-12, Klein);

providing an anticipated search term database, said anticipated search term database having at least one anticipated search term (col. 3, lines 45-60, Klein);

assigning each of said anticipated search terms in said anticipated search term database to at least one said topical category thereby creating an anticipated search term assignment (fig. 1B and col. 3, lines 62 to col. 4, lines 6, Klein);

receiving at least one initial search term (col. 7, lines 64 to col. 8, lines 21, Klein);

matching said initial search term with at least one said anticipated search term contained within said anticipated search term database thereby creating a matched search term (col. 8, lines 34-55, Klein);

associating said initial search term to any topical categories related to said initial topical category thereby creating related categories (col. 3, lines 45-60, Klein);

However, Klein didn't disclose: associating said initial search term to all topical categories related to said initial topical category thereby creating related categories. On the other hand, Bailey discloses: associating said initial search term to all topical categories related to said initial topical category thereby creating related categories (fig. 3 and col. 7, lines 64 to col. 8, lines 49, Bailey). Thus, at the time invention was made, it would have been obvious to a person of ordinary skill in the art to include the step of associating said initial search term to all topical categories related to said initial topical category thereby creating related categories in the system of Klein as taught by Bailey. The motivation being to enable the users can initiate all products type search that spans multiple product categories. The results of the search are presented using a composite web page which lists at least some of the located products and at least some of the located web pages. The products are preferably displayed in conjunction with their respective product categories according to the category ranking and display method.

In addition, Klein/Bailey discloses: retrieving said document information of said documents assigned to said related categories (col. 7, lines 64 to col. 8, lines 55, Bailey);

Displaying said retrieved document information (300, fig. 3 and corresponding text, Bailey).

Regarding claim 3, all the limitations of this claim have been noted in the rejection of claim 1 above. In addition, Klein/Bailey discloses: where each said topical category is defined with a title and description (col. 8, lines 10-12, Klein).

Regarding claim 4, all the limitations of this claim have been noted in the rejection of claim 1 above. In addition, Klein/Bailey discloses: wherein the step of relating each of said topical categories with other said topical categories contained within said topical category database further comprises the step of relating each of said topical categories with other relevant topical categories (col. 8, lines 34-55, Klein).

Regarding claim 5, all the limitations of this claim have been noted in the rejection of claim 1 above. In addition, Klein/Bailey discloses: wherein the step of relating each of said topical categories with other said topical categories contained within said topical category database further comprises the step of relating each of said topical categories with other related topical categories (col. 8, lines 34-55, Klein).

Regarding claim 6, all the limitations of this claim have been noted in the rejection of claim 1 above. In addition, Klein/Bailey discloses: wherein the step of relating each of said topical categories with other said topical categories contained within said topical category database further comprises the step of relating each of said topical categories with other adjunct topical categories (col. 12, lines 55 to col. 13, lines 8, Klein).

Regarding claim 7, all the limitations of this claim have been noted in the rejection of claim 1 above. In addition, Klein/Bailey discloses: wherein the step

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of assigning each of said documents to at least one said topical category further comprises the step of assigning each of said documents to a relevant topical category (col. 5, lines 15-33, Klein).

Regarding claim 8, all the limitations of this claim have been noted in the rejection of claim 1 above. In addition, Klein/Bailey discloses: wherein the step of assigning each of said anticipated search terms in said anticipated search term database to at least one said topical category thereby creating an anticipated search term assignment further comprises the step of assigning each of said anticipated search terms to a topical category based on said anticipated search term's definition (col. 7, lines 64 to col. 8, lines 21, Klein).

Regarding claim 9, all the limitations of this claim have been noted in the rejection of claim 1 above. In addition, Klein/Bailey discloses: wherein the step of associating said initial search term with the topical category assigned to said matched search term thereby creating an initial topical category further comprises the step of calculating the most popular initial topical category for said matched search term (col. 8, lines 56 to col. 9, lines 54, Klein).

Regarding claim 10, all the limitations of this claim have been noted in the rejection of claim 9 above. In addition, Klein/Bailey discloses: wherein the step of calculating the most popular initial topical category for said matched search term further comprises the step of calculating the number of times a topical category is selected by other searchers in association with each said initial search term used

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(col. 17, lines 63 to col. 18, lines 32, Bailey). Thus, at the time invention was made, it would have been obvious to a person of ordinary skill in the art to include the step of calculating the most popular initial topical category for said matched search term further comprises the step of calculating the number of times a topical category is selected by other searchers in association with each said initial search term used in the system of Klein as taught by Bailey. The motivation being to enable the system provide the method to generate a score that indicates a level significance or relevance of the category to the search, the scores may be based for example, on the number of hits within each category relative to the total number of items in that category, the popularity levels of items that satisfy the query.

Regarding claim 11, all the limitations of this claim have been noted in the rejection of claim 9 above. In addition, Klein/Bailey discloses: further comprising the step of calculating the number of times said initial search term is repeated within the content of said document assigned to said topical category (col. 8, lines 56 to col. 9, lines 54, Klein).

Regarding claim 12, all the limitations of this claim have been noted in the rejection of claim 9 above. In addition, Klein/Bailey discloses: further comprising the step of subjectively determining said most popular initial topical category (col. 8, lines 56 to col. 9, lines 54, Klein).

Regarding claim 13, all the limitations of this claim have been noted in the rejection of claim 1 above. In addition, Klein/Bailey discloses: wherein said initial search term comprises at least one word (col. 3, lines 45-61, Klein).



### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

#### ***1. Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cindy Nguyen whose telephone number is 571-272-4025. The examiner can normally be reached on M-F: 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 571-272-4023. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-872-9306 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.



Cindy Nguyen

June 2, 2005

  
**FRANTZ COBY**  
**PRIMARY EXAMINER**